REMARKS

Thomas A. McDonald and Annika Weber have been removed from the list of inventors as a consequence of amendments made in response to the Examiner's restriction requirement of May 30, 2007.

Claims 32, 33 and 38 have been canceled.

Claim 34 has been rewritten as an independent claim and also amended to incorporate the limitations of claim 32.

Claims 35 and 36 have been amended to depend from claim 34.

Claim 37 has been rewritten to incorporate the limitations of claim 38, specifically that the antibody contained in the kit be capable of inhibiting the binding of feline or canine albumin by monoclonal antibody H425.

I. Correction of Inventors under 37 CFR §1.48(b)

Applicants hereby request, pursuant to 37 CFR § 1.48(b), that Thomas A. McDonald and Annika Weber be removed from the listed inventors in the instant Application. This change was necessitated by the Examiner's restriction requirement mailed from the USPTO on May 30, 2007, and by Applicants' subsequent amendments to the claims made in the Amendment and Response to Restriction Requirement filed with the USPTO on June 22, 2007. Accordingly, Applicants acknowledge that Mr. McDonald and Ms. Weber were not inventors of the invention being claimed in the instant Application.

Additionally, Applicants authorize the processing fee of $130 be charged to Deposit Account No. 081930.

II. ATCC Deposit of Required Materials

The Examiner has stated that the H425 antibody is required to practice the claimed invention, and as such, it must be available to the public or obtainable by a repeatable method set forth in the specification. The Examiner further states that the requirements of 35 USC § 112, first paragraph, may be satisfied by a deposit of the cell line / hybridoma which produces the antibody.

In an effort to expedite prosecution, Applicants hereby agree to deposit with the American Type Culture Collection (ATCC), a hybridoma that produces monoclonal antibody H425.

III. Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 32 and 33 under 35 U.S.C. § 102(e) as being anticipated by Bar-Or (US20040175754). Specifically the Examiner states that Bar-Or et al. teach an anti-dog albumin antibody that has greater avidity for albumin as compared to its avidity for other non-target proteins.

Applicants note that claims 32 and 33 have been canceled rendering this rejection moot.

The Examiner has also rejected claims 32-33 and 37 under 35 U.S.C.§102(e) as being anticipated by McDonald et al. Specifically the Examiner states that McDonald et al. teach an antibody that specifically binds to albumin from a felid of canid, where the antibody has greater avidity for albumin as compared to its avidity for other non-target proteins. The Examiner also states that McDonald et al. teach a kit containing such an antibody, where the detection range of the kit is from 10 ug/ml to 300 ug/ml.

Applicants note that claims 32 and 33 have been canceled rendering the rejection of these claims moot. Furthermore, claim 37 has been amended to specify the kit contains an antibody that inhibits binding of albumin by monoclonal antibody H425. Since McDonald et al. do not disclose the H425 antibody, Applicants believe the teaching therein does not anticipate claim 37 as amended .

IV. Rejections Under 35 U.S.C. §103

The Examiner has rejected claims 32, 33 and 37 as being unpatentable over Ohman et al. (US4163778) in view of Forrest et al. (US4659678). Specifically the Examiner states that Ohman et al. teach purifying antiserum (i.e., polyclonal antibody) that selectively binds feline albumin. The Examiner also states that Forrest et al. teach that monoclonal antibodies are more advantageous in sensitivity and efficiency as compared with polyclonal antibodies. The Examine concludes that it would have been obvious to modify the invention of Ohman et al. by using monoclonal antibodies, as taught by Forrest et al. to achieve better detection results. The Examiner further states that while the detection range stated in instant claim 37 (10 ug/ml to

50 ug/ml) is not explicitly disclosed by the prior art, such a range would have been obvious at the time since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimal range involves only routine skill in the art.

Initially, Applicants note that claims 32 and 33 have been canceled rendering the rejection of these claims moot. Furthermore, claim 37 has been amended to specify the claimed kit contains an antibody that inhibits binding of albumin by monoclonal antibody H425. Applicants contend that since neither Ohman et al. nor Forrest et al. disclose H425, the combination of these references fails to make obvious the claimed kit. Thus Applicants request withdrawal of the rejection of claim 37 for obviousness.

The Examiner has rejected claims 32, 33 and 37 as being unpatentable over Syme et al. (Proceedings 18th ACVIM Seattle WA 2000) in view of Forrest et al. (US4659678). Specifically the Examiner states that Syme et al. teach purifying antiserum (i.e., polyclonal antibody) that selectively binds feline albumin in an ELISA assay. The Examiner also states that Forrest et al. teach that monoclonal antibodies are more advantageous in sensitivity and efficiency as compared with polyclonal antibodies. The Examine concludes that it would have been obvious to modify the invention of Syme et al. to use monoclonal antibodies, as taught by Forrest et al. thereby achieving better detection results. Moreover, the Examiner further states that while the detection range stated in instant claim 37 (10 ug/ml to 50 ug/ml) is not explicitly disclosed by the prior art, such a range would have been obvious at the time since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimal range involves only routine skill in the art.

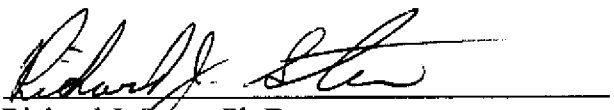
Initially, Applicants note that claims 32 and 33 have been canceled rendering the rejection of these claims moot. Furthermore, claim 37 has been amended to specify the claimed kit contains an antibody that inhibits binding of albumin by monoclonal antibody H425. Applicants contend that since neither Syme et al. nor Forrest et al. disclose H425, the combination of these references fails to make obvious the claimed kit. Thus Applicants request withdrawal of the rejection of claim 37 for obviousness.

CONCLUSION

All of the pending claims are believed to be in condition for allowance. In the event the Examiner has any questions regarding this Application, the Examiner is invited to contact the undersigned representative at (970) 493-7272 ext. 4174.

Respectfully submitted,

Dated: December 5, 2007

By: 

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